## REMARKS

The present Amendment amends claim 1 and cancels claims 2, 7 and 8. Therefore, the present application has pending claim 1.

**35 U.S.C. §103 Rejections**

Claims 1, 2, 7, and 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0083169 to Aki, et al. ("Aki") in view of U.S. Patent Application Publication No. 2003/0204789 to Peebles, et al. ("Peebles"). As indicated above, claims 2, 7 and 8 were canceled. Therefore, this rejection regarding claims 2, 7 and 8 is rendered moot. This rejection regarding the remaining claim 1 is traversed for the following reasons. Applicants submit that the features of the present invention, as now more clearly recited in claim 1, are not taught or suggested by Aki or Peebles whether taken individually or in combination with each other in the manner suggested by the Examiner. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

Amendments were made to the claims to more clearly describe features of the present invention. Specifically, amendments were made to the claims to more clearly recite that the present invention is directed to a performance information monitoring method as recited, for example, in independent claim 1.

The present invention, as recited in claim 1, provides a performance information monitoring method using computers. A first computer accepts information about a group relating to the first computer. The first computer stores the accepted group information in storage of the first computer and accepts performance information from a second computer. In addition, the first computer compares the performance information accepted from the second computer with

previously stored performance information of the second computer. Based on the result of the comparison, the first computer judges whether or not the second computer is included in the information of the group when a change in the performance information is found. The first computer transmits an instruction to the computer included in the group information to change a performance information collection interval according to the judgment result. According to the present invention, performance information is monitored to detect an event of an input or output to or from storage. When a number of events of the detected input or output to or from the storage exceed a threshold value, the instruction is made to shorten the performance information collection interval. Also according to the present invention, the performance information is monitored to detect a presence or absence of a change in a capacity type information including at least one of a storage capacity, a storage used capacity, and a storage free capacity, and the instruction is made to enlarge the performance information collection interval when the absence of a change in the capacity type information is detected. The prior art does not teach or suggest all of these features.

The above described features of the present invention, as now more clearly recited in the claims, are not taught or suggested by any of the references of record. Specifically, the features are not taught or suggested by either Aki or Peebles, whether taken individually or in combination with each other.

Aki teaches a network monitoring system that monitors activities on a network with optimal coverage and frequency, depending on the current state of the network. However, there is no teaching or suggestion in Aki of the performance information monitoring method as recited in claim 1 of the present invention.

Aki's network monitoring system includes a predefined set of rules or conditions, or a "monitoring policy." A monitoring policy setting unit sets a specific monitoring policy that includes which object to watch, which item of that object to monitor, and how frequent the monitoring should be. A monitoring unit carries out monitoring of the network, according to the policy. The monitoring result is passed to a monitoring policy changing unit that changes the current monitoring policy being set in the monitoring policy setting unit. A resource setup changing unit may also reconfigure some related resources on the network according to the reported monitoring result. An event detector detects the occurrence of a particular event in the network resources and notifies the monitoring policy changing unit of the occurrence so that the monitoring policy will be changed accordingly.

One feature of the present invention, as recited in claim 1, includes where the performance information is monitored to detect a presence or absence of a change in a capacity type information including at least one of a storage capacity, a storage used capacity, and a storage free capacity, and the instruction is made to enlarge the performance information collection interval when the absence of a change in the capacity type information is detected. Aki does not disclose this feature. More specifically, Aki does not teach or suggest where the performance collection interval is enlarged when the absence of a change in capacity type information, including at least one of a storage capacity, storage used capacity, and storage free capacity is detected.

Therefore, Aki fails to teach or suggest "wherein said performance information is monitored to detect a presence or absence of a change in a capacity type information including at least one of a storage capacity, a storage used capacity, and a storage free capacity, and said instruction is made to enlarge the performance

information collection interval when the absence of a change in the capacity type information is detected" as recited in claim 1.

The above noted deficiencies of Aki are not supplied by any of the other references of record, namely Peebles, whether taken individually or in combination with each other. Therefore, combining the teachings of Aki and Peebles in the manner suggested by the Examiner still fails to teach or suggest the features of the present invention as now more clearly recited in the claims.

Peebles teaches a method and apparatus for generating diagnostic recommendations for enhancing process performance. However, there is no teaching or suggestion in Peebles of the performance information monitoring method as recited in claim 1 of the present invention.

Peebles' diagnostic system monitors the status of other process over a computer network by collecting status and configuration data, analyzing the data, and providing diagnostic recommendations when necessary. The diagnostic system includes a collector module, and analyzer module, and an administration client module. The collector module collects statistical data and configuration data from each monitored process and populates a plurality of source data tables or worksheets. The values of the source data are processed by the analyzer module, including component algorithms, which generate a plurality of individual component indexes each associated with a specific aspect of the processes performance. The component indexes are then processed using a weighting algorithm to form a composite index reflecting the overall health of the monitored process. If one or more of the component index values exceed a predefined threshold, the indexes and configuration data are provided to an overall assessment table that identifies the process stat4e that is true and generates one or more diagnostic recommendations,

the output of which is stored in memory and is directly accessible to the administration client module. The administration client module enables the display, upon user query, of any of the source data, configuration data, component and composite indexes, and diagnostic recommendations in a variety of different formats, as well as searching for the same using any number of specific queries.

One feature of the present invention, as recited in claim 1, includes where the performance information is monitored to detect a presence or absence of a change in a capacity type information including at least one of a storage capacity, a storage used capacity, and a storage free capacity, and the instruction is made to enlarge the performance information collection interval when the absence of a change in the capacity type information is detected. Peebles does not disclose this feature. More specifically, Peebles does not teach or suggest where the performance collection interval is enlarged when the absence of a change in capacity type information, including at least one of a storage capacity, storage used capacity, and storage free capacity is detected.

Therefore, Peebles fails to teach or suggest "wherein said performance information is monitored to detect a presence or absence of a change in a capacity type information including at least one of a storage capacity, a storage used capacity, and a storage free capacity, and said instruction is made to enlarge the performance information collection interval when the absence of a change in the capacity type information is detected" as recited in claim 1.

Both Aki and Peebles suffer from the same deficiencies, relative to the features of the present invention as recited in the claims. Therefore, combining the teachings of Aki and Peebles in the manner suggested by the Examiner does not render obvious the features of the present invention as now more clearly recited in

the claims. Accordingly, reconsideration and withdrawal of the 35 U.S.C. §103(a) rejection of claim 1 as being unpatentable over Aki in view of Peebles are respectfully requested.

The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the references used in the rejection of claim 1.

In view of the foregoing amendments and remarks, Applicants submit that claim 1 is in condition for allowance. Accordingly, early allowance of claim 1 is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger & Malur, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. 500.43007X00).

Respectfully submitted,

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